

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.418 OF 2015

Shamim Ahmad H. Sidhiqui

..Appellant

V/s.

Rajiv Amarnath Ghai & Ors.

.. Respondents

Mr.Shailesh I. Kantharia, for applicant-appellant.

Mr.A.R.Patil, APP for respondent-State.

Mr.Niranjan Mundergi i/by Mr.Sualeh Nagvadaria,
for respondent nos.1 & 2.

CORAM : A. R. JOSHI, J.

DATE : 04th SEPTEMBER, 2015.

P.C.

1. Heard rival submissions for some time on this application initially filed as a leave application to prefer an appeal challenging the acquittal of the respondents in the matter of offence punishable under section 379 read with section 34 of Indian Penal Code. Said acquittal is in a police case and apparently the present applicant is defacto complainant and for that matter he is a victim. As such victim has a right to file appeal under proviso to section 372 challenging the order of acquittal and said appeal, in the facts of the present case, is required to be taken before the concerned

Sessions Court i.e. City Civil and Sessions Court, Mumbai for challenging the order of acquittal passed by M.M.Court No.6, Dadar, Mumbai.

2. The above legal position is accepted by the learned counsel for the applicant-appellant and as such he prayed for withdrawal of the proceeding with liberty to go before the appropriate forum. Present matter is allowed to be withdrawn and accordingly disposed of with liberty as prayed. The concerned Sessions Court, Mumbai shall deal with the appeal when it will be filed, in accordance with law, considering the time taken by the present applicant-appellant in taking up the matter before the High Court under erroneous belief. With these direction present matter is disposed of.

(A. R. JOSHI, J)